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In re Application of :
Hageman, et al. :
Application No. 09/944,930 : ON PETITION
Filed: August 31, 2001 :
Attorney Docket No. PP16021.002 :
(35784/213736) :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed December 31, 2003. The petition was recently forwarded to the Office of Petitions for consideration. The Office apologizes for the delay.

The petition is GRANTED.


This application was held abandoned for failure to timely file a response to the Notice to File Missing Parts of Application, mailed October 18, 2001. This Notice set an extendable period for reply of two (2) months in which to submit an executed oath or declaration, a surcharge for its late filing, and substitute drawings. No reply having been received, the application became abandoned on December 19, 2001. A Notice of Abandonment was mailed on December 17, 2003.

Petitioner contends that he did timely file a reply to the Notice to File Missing Parts on January 24, 2002. In support thereof, petitioner has included a copy of a USPTO date stamped postcard receipt, dated January 24, 2002, and itemizing, *inter alia*, a declaration, substitute drawings, and a check for \$130. In addition, petitioner has included a copy of the documents, including a transmittal letter which bore a Certificate of Mailing under 37 CFR 1.8 dated December 18, 2001.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The matter is being forwarded to the Office of Patent Application Processing (formerly the Office of Initial Patent Examination) for pre-examination processing, using the declaration and substitute drawings shown to have been filed on January 24, 2002 (Certificate of Mailing dated December 18, 2001), a copy of which has been re-supplied with the instant petition.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions